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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,853	07/23/2001	Paul R. Mort III	7713M/DO	7498
27752	7590	11/18/2002	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			DOUYON, LORNA M	
ART UNIT	PAPER NUMBER			7

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S2

Offic Action Summary	Application No.	Applicant(s)	
	09/787,853	MORT III ET AL.	
	Examiner	Art Unit	
	Lorna M. Douyon	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 July 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u>. | <ol style="list-style-type: none"> 4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6)<input type="checkbox"/> Other: _____. |
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Art Unit: 1751

Claim Objections

1. Claim 5 is objected to because of the following informalities: The phrase “surfactant residual undissolved surfactant” in line 5 is redundant. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The dependencies of these claims are incorrect. Claim 6 should depend from claim 5 and claim 7 should depend from claim 6.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1751

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mazzola (US Patent No. 5,482,646).

Mazzola teaches a powder laundry detergent having a bulk density between about 700-1050 grams/liter (see col. 3, lines 22-23) which can be utilized in cold water fabric laundering with a minimized remainder of undissolved detergent residue in the wash water (see abstract). In Figure 1, Mazzola teaches that the addition of 0.75% to 5.00% of sodium stearate as a coating agent reduces the average cold water residue of detergent solids, for example, a 1.00% post-addition of sodium stearate yields an average cold water residue of 3.9-5.5 grams (see Figure 1 and col. 4, lines 14-16). In Figure 3, Mazzola shows the detergent dissolution rate of the powder laundry detergent. Even though Mazzola does not explicitly disclose the rate of dispersion or rate of dissolution as defined by the recited equation and the particle size of the insoluble residues, it would be inherent for the powder laundry detergent of Mazzola to satisfy the recited equation and to have a particle size of insoluble residues within those recited because same detergent

Art Unit: 1751

composition having the same bulk density with less residue in the wash water have been utilized. Hence, Mazzola anticipates the claims.

6. Claims 1-8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Boskamp et al. (US Patent No. 5,583,098), hereinafter "Boskamp".

Boskamp teaches a particulate detergent composition having a bulk density of at least 650 g/l having improved dissolution properties (see abstract). In Examples 1-4, Boskamp teaches detergent compositions having bulk densities of 870, 880, 890 and 880 g/l, respectively having wt% residues (cage test) of 33, 37, 18 and 23, respectively, and a score of 0.3, 0.2, 0.4 and 0.5, respectively, in the black pillowcase test (level of powder residues after placing a 100 g dose of powder in a black pillowcase which had undergone a "heavy duty cycle" wash). Even though Boskamp does not explicitly disclose the rate of dispersion or rate of dissolution as defined by the recited equation and the particle size of the insoluble residues, it would be inherent for the detergent composition of Boskamp to satisfy the recited equation and to have a particle size of insoluble residues within those recited because same detergent composition having the same bulk density with less residue in the wash water have been utilized. Hence, Boskamp anticipates the claims.

Art Unit: 1751

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

November 14, 2002

Lorna M. Douyon

Lorna M. Douyon
Primary Examiner
Art Unit 1751

Application/Control Number: 09/787,853

Page 6

Art Unit: 1751